

**Before the
Federal Communications Commission
Washington, DC 20554**

In the matter of)	
)	
Charter Communications, Inc. Files)	MB Docket No. 12-328
Request for Waiver Of 47 C.F.R. §)	CSR-8740-Z
76.1204(A)(1) with the Commission)	
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COMMENTS OF PUBLIC KNOWLEDGE

For the reasons below, Public Knowledge opposes Charter's request for a waiver¹ of Section 76.1204(a)(1) of the Commission's rules.

While the CableCARD rules are in place, the "integration ban" is the best way to enforce them. It aligns the incentives of cable providers with the public interest and competition by ensuring that supporting CableCARD for their own equipment also guarantees third-party support.

PK continues to think that a home gateway (or "AllVid") solution is the Commission's best hope for fulfilling the policy goals and statutory mandate of Section 629,² and would be superior to CableCARD. Consequently, PK supports limited waivers of the integration ban for systems that wish to deploy standards-based home video gateways.³ These deployments could help pave the way for AllVid.

¹ See Charter Communications, Inc. Files Request for Waiver of 47 C.F.R. § 76.1204(A)(1) with the Commission, CSR-8740-Z/MB Docket No. 12-328 (rel. Nov. 7, 2012), *available at* http://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db1107/DA-12-1788A1.pdf.

² 47 U.S.C. § 549.

³ See Comments of Public Knowledge in Media Bureau Seeks Comment on Nagra's Request for Waiver of Set-Top Box Regulations, MB Docket No. 12-242 (filed Sep. 17,

By contrast, a downloadable security system would be similar to the system we have today. Any approach to third-party device compatibility that relies on embedding interface or security technology directly in third-party devices—whether physically or in software—is inferior to a gateway approach, which puts network interface and security technology at a single point in the home, and then makes services available using industry standards. This approach is better for third-party devices, better for consumers, and better for innovation.

As an analogy, Verizon's FiOS network terminates at one place in a customer's home: the Optical Network Terminal (ONT) box, which is typically located somewhere like a basement or garage. Internet connectivity is then provided throughout a house using standard ethernet or MoCA (multimedia over coaxial) technology. The CableCARD approach, which Charter's downloadable security proposal would continue, is equivalent to putting a miniature ONT in each device that wants to access the network. To continue the analogy, imagine if FiOS customers needed to have to have devices specifically designed for FiOS—or that Verizon's exact FiOS technology would have to be standardized nationwide, or perhaps worldwide. It is evident that an approach that permits a provider to operate a differentiated network while using a gateway and existing standards for in-home connectivity is superior to a system that requires third-party device manufacturers to configure their devices to work with specific networks. The latter approach makes it impossible for third-party manufacturers to achieve necessary

2012). PK also supports increased regulatory flexibility with regard to small cable operators in some circumstances.

economies of scale and thus reduces the consumer benefit that would result from a choice of differentiated video devices.

Charter's desire to modernize its technology is understandable, but a downloadable security approach is not the right way forward. If the Commission were to grant its request for a waiver the benefits of the integration ban would be lost, with little to show for it. Instead, the Commission should go down a path that leads to greater compatibility, device competition, and consumer choice.

Respectfully submitted,

/s John Bergmayer
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PUBLIC KNOWLEDGE

November 30, 2012